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6054-05009

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

AMERICAN AUTO GUARDIAN, INC., )  
)  
Plaintiff and Counter-Defendant, )  
)  
vs. )  
)  
ACUITY MUTUAL INSURANCE COMPANY, )  
)  
Defendant and Counter-Plaintiff. )

No.: 06 C 6171  
Judge: Shadur  
Magistrate: Ashman

**ACUITY MUTUAL INSURANCE COMPANY'S  
CROSS-MOTION FOR SUMMARY JUDGMENT**

Now comes the Defendant and Counter-Plaintiff, Acuity Mutual Insurance Company ("Acuity"), by its attorneys, Glenn F. Fencel and Richard R. Gordon of Johnson & Bell, Ltd., and pursuant to Rule 56 (c) of the Federal Rules of Civil Procedure, requests that this Honorable Court grant summary judgment in its favor and against the Plaintiff and Counter-Defendant, American Auto Guardian, Inc. In support hereof, Acuity submits its Statement of Undisputed Material Facts and its Memorandum of Law.

**Respectfully submitted:**

**JOHNSON & BELL, LTD.**

By: /s/ Richard R. Gordon  
Richard R. Gordon

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### CERTIFICATE OF SERVICE

I hereby certify that on the 6<sup>th</sup> day of February, 2008, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of The Court using the CM/ECF system which will send notification of such filing to the following: **Joseph P. Lombardo, Chapman and Cutler, LLP, 111 West Monroe Street, Chicago, Illinois 60603**, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: none.

*/s/ Richard R. Gordon*

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